IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1556 of 2006

GHESA RAM

V/S

EXECUTIVE ENGINEER,JAWAI KANAL DIVI.&ANR

Mr. DK PARIHAR, for the appellant / petitioner

Date of Order : 25.4.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Perused the impugned award. The learned Labour Court has found that petitioner has failed to establish to have worked for 240 days during the preceding 12 calender months and has also failed to establish as to during what period he had worked, and that it has not been established that the petitioner was removed/retrenched on 11.01.89, and thus it has been found, that he is not entitled to any relief.

It is contended by the learned counsel for the petitioner, that since case of the respondents is, that the petitioner voluntarily absented, such absence amounts to misconduct and for such absence he could be removed only after holding a departmental inquiry.

I have considered the submissions. In my view ofcourse from a look at the impugned award Annexure 1, it does transpire, that the award is very cryptic one, and does not deal with the matter properly, but then, that is not the end of the matter, inasmuch as petitioner has produced the copy of affidavit of the petitioner and the cross examination thereof as Annexure 4, and the bare look at the affidavit and cross examination shows, that it is not at all established that the petitioner has ever worked for 240 days during any 12 calender months.

In that view of the matter, in my view the petitioner is not entitled for any relief. The writ petition thus is having no force, and is, therefore, dismissed summarily.

(N P GUPTA),J.

/mamta /